

Amendments to the Drawings:

The attached Replacement Sheets include changes to FIGS. 17, 18, 21, 22, 26, and 27. In each of these figures, previously omitted reference number 1 was added, as requested by the Examiner.

Attachments: Six Replacement Sheets.

REMARKS

The Office Action mailed August 31, 2006, has been received and reviewed. Claims 1-48 are currently pending in the application. Claims 12-16, 23, 26, 31, 33, 34, 36-38 and 45 are withdrawn from consideration by the Examiner based on the assertion that they are drawn to a nonelected species. Claims 1-8, 10, 11, 17-22, 25, 27-30, 32, 35, 39-44 and 46-48 stand rejected. Claims 40, 42 and 46 are amended herein. Claims 41 and 47 are cancelled herein. Amendments have been made without prejudice or disclaimer. No new matter has been added. Reconsideration is respectfully requested.

Drawing Objections

The Examiner alleges that the drawings fail to comply with 37 CFR 1.84(p)(5). Applicants have included herein Replacement Sheets including the requested reference to shield 1.

Claim rejections—35 U.S.C. § 102(b)

Claims 1-8, 10, 11, 17-22, 25, 27-30, 32, 39-44 and 46-48 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,328,482 to Sircom *et al.* (hereinafter "Sircom"). Claims 41 and 47 are cancelled herein thus mooted the rejection of these claims. Applicants respectfully traverse the remaining rejection because Sircom does not each and every element of independent claims 1, 27, 40, 43, 46 and 48 or those claims directly or indirectly dependent therefrom.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Likewise, the identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner alleges that Sircom discloses a needle shield (FIGS. 35-40 and 53) including a shield 5, a binding member 101 with binding surfaces at 103 and a retainer at 109 and at least one drag inducing member at 110 and a hub retainer being configured to retain a catheter hub at 119 (FIG. 40).

Independent claims 1, 27, 40 and 46 recite, in part, a binding member including one or more drag inducing members that engage the needle during slidable receipt of the needle to create a drag force with the needle, the drag force and shield facilitating inclination of the binding member. Applicants respectfully submit that Sircom does not disclose drag inducing members that facilitate the inclination of a binding member. As shown by FIG. 35 of Sircom, the spring 104 exerts a rotational force on the lever 101 but the rotation of the lever 101 by the spring 104 is prevented by contact between vertical leg 109 with the needle shaft 1 at point 110. Sircom does not disclose a drag inducing member to create a drag force that facilitates inclination of a binding member. Applicants submit that the contact of leg 109 at point 110 only prevents the lever 101 from rotating under the force from the spring 104 and does not create a drag force that facilitates the inclination of a binding member. The contact at point 110 between leg 109 and the needle shaft 1 is not a drag force, the only force for inclination or rotation of the lever 101 comes from the spring 104.

Therefore, Sircom does not anticipate independent claims 1, 27, 40 and 46, and those claims dependent therefrom, because Sircom does not describe each and every element of independent claims 1, 27, 40 and 46.

In regard to independent claim 43, Sircom does not disclose a hub retainer being configured to engage the end sensing member and an inner portion of a catheter hub such that upon activation of the locking means the end sensing member causes the hub retainer to release the catheter hub therefrom. There is no discussion in Sircom of the activation of a locking means causing a hub retainer to release a catheter hub.

As such, Sircom does not anticipate independent claim 43, or claim 44 which is dependent therefrom, because Sircom does not disclose each and every element of independent claim 43.

The Examiner alleges that Sircom anticipates independent claim 48. However claim 48 recites, in part, a binding member comprising one or more drag inducing members that engage the needle. As discussed supra, Sircom does not disclose drag inducing members as required by independent claim 48.

For the foregoing reasons, applicants submit that claims 1-8, 10, 11, 17-22, 25, 27-30, 32, 35, 39-44 and 46-48 are not anticipated under 35 U.S.C. § 102(b) by Sircom.

Accordingly, it is respectfully requested that the rejection of claims 1-8, 10, 11, 17-22, 25, 27-30, 32, 35, 39-44 and 46-48 be removed.

CONCLUSION

In view of the foregoing amendments and remarks, the applicants submit that the claims define patentable subject matter and a notice of allowance is requested. Should questions exist after consideration of the foregoing, the Office is kindly requested to contact the applicants' attorney at the address or telephone number given herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Math D. Thayne", with a large, stylized flourish at the end.

Matthew D. Thayne
Registration No. 52,280
Attorney for Applicants
STOEL RIVES, LLP
201 S. Main Street, Suite 1100
Salt Lake City, Utah 84111
Telephone: (801) 578-6932
Facsimile: (801) 578-6999